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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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BY: Ecl DEPUTY

UNITED STATES OF AMERICA	) **Magistrate Docket No.** '08 MJ 1742
	)
	) COMPLAINT FOR VIOLATION OF:
Plaintiff	)
	) **TITLE 18 U.S.C. § 1544**
v.	) **Misuse of Passport (Felony)**
	)
Karina MEDINA-CERVANTES	)
	)
Defendant	)
	)
	)

The undersigned complainant, being duly sworn, states:

Count 1

On or about May 29, 2008, within the Southern District of California, defendant Karina MEDINA-CERVANTES did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 500537624, issued to Marlid MENDEZ to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that she was not Marlid MENDEZ, that the passport was not issued or designed for her use; all in violation of Title 18, United States Code, Section 1544.

Count 2

On or about June 2, 2008, within the Southern District of California, defendant Karina MEDINA-CERVANTES did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 135801071, issued to Kacey Nicole CUBINE, to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that she was not Kacey Nicole CUBINE, that the passport was not issued or designed for her use; all in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Lynn Falanga Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 3d day of June, 2008.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Lynn Falanga Michaels, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for ten years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Karina MEDINA-CERVANTES, hereafter referred to as DEFENDANT, used U.S. passport, not belonging to her, as identification to gain entry into the U.S. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S. C., Section 1544, Misuse of a passport.

3. On May 29, 2008, DEFENDANT presented U.S. passport number 500537624 in the name of Marlid MENDEZ to a CBP officer with the intent to gain entry to the U.S. DEFENDANT was detained and it was determined that she was not Marlid MENDEZ, but in fact Karina MEDINA-CERVANTES and subsequently was expeditiously removed to Mexico for five years.

4. On June 2, 2008, DEFENDANT presented U.S. passport number 135801071 in the name of Kacey Nicole CUBINE to a CBP officer with the intent to gain entry to the U.S. DEFENDANT was detained and it was determined that she was not Kacey Nicole CUBINE.

5. On June 2, 2008 at approximately 1148 hrs, RA and DSS SA Mike Escott interviewed DEFENDANT at the San Ysidro Port of Entry. Affiant conducted checks of the U.S. Department of State U.S. passport database and learned that U.S. passport number 135801071 had been issued on May 10, 2006 to Kacey Nicole CUBINE. DEFENDANT admitted her true name was Karina MEDINA-CERVANTES and she was born in Mexico, and that the U.S. passport she used on this day was not issued to her for her use. DEFENDANT stated that she had been living in the U.S. since she was eight years of age and she was attempting to return to the U.S. to be with her husband and children who reside in Reno, NV.

6. Record check revealed that DEFENDANT has attempted to illegally enter the U.S. on May 29, 2008 using a U.S. Passport not issued to her for her use.

7. On the basis of the facts presented in this probable cause statement, Affiant asserts there is probable cause to believe that:

   a. DEFENDANT named in this probable cause statement, committed the offense on May 29, 2008 – in violation of Title 18 U.S. C.., Section 1544, Misuse of a Passport – when she knowing and willfully used the U.S. passport belonging to another, Marlid MENDEZ, knowing that it was not issued or designed for her use.

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b. DEFENDANT named in this probable cause statement, committed the offense on June 2, 2008 – in violation of Title 18 U.S. C.., Section 1544, Misuse of a Passport – when she knowing and willfully used the U.S. passport belonging to another, Kacey Nicole CUBINE, knowing that it was not issued or designed for her use.

Lynn Falanga Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service